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6 *C. R. Bard, Inc. and*  
7 *Bard Peripheral Vascular, Inc.*

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 VANDLEAN MOSIER,

11 Plaintiff,

12 v.

13 C. R. BARD INC., and  
14 BARD PERIPHERAL VASCULAR, INC.,

15 Defendants.

Case No.: 2:20-cv-01767-TLN-EFB

**JOINT MOTION TO STAY  
DISCOVERY AND ALL PRETRIAL  
DEADLINES & ORDER**

Pursuant to Federal Rule of Civil Procedure 26(c) and (d), Plaintiff in the above-titled action and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, “Bard”) (Plaintiff and Bard are collectively referred to herein as “the Parties”), respectfully request that this Court temporarily stay discovery and all pretrial deadlines and continue the initial Scheduling Conference in this case for 90 days after entry of the [Proposed] Order while the Parties pursue settlement discussions. In support thereof, the Parties state as follows:

1. This case was originally filed in the State Court of Dallas County, Texas, by a Texas resident serving as lead plaintiff, and joined multiple individual plaintiffs, including the instant plaintiff. The case was subsequently removed by Bard to the United States District Court for the Northern District of Texas, Dallas Division.

2. On August 31, 2020, the Court issued an Order granting the lead plaintiff’s Unopposed Motion to Sever and Transfer Venue of Out-of-State Plaintiff’s Cases, and the case was transferred to this District and assigned to this Court. [Doc. 26].

3. Since before the transfer of the instant case from the Northern District of Texas, Dallas Division, to this District, the Parties have been engaging in serious settlement discussions. Accordingly, the Parties jointly move this Court for an order staying discovery and pretrial deadlines and continuing the initial Scheduling Conference in this case for 90 days after entry of the [Proposed] Order to allow the Parties to continue to engage in settlement discussions. This will further facilitate settlement discussions and prevent unnecessary expenditures of the parties and judicial resources.

4. A district court has broad discretion over pretrial discovery rulings. *See, e.g., Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); *accord Thermal Design, Inc. v. Am. Soc’y of Heating, Refrigerating & Air-Conditioning Engineers, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014); *Burns v. EGS Fin. Care, Inc.*, No. 4:15-CV-06173-DGK, 2016 WL 7535365 at \*1 (W.D. Mo. Apr. 12, 2016); *see also Cook v. Kartridg Pak Co.*, 840 F.2d 602, 604 (8th Cir. 1988) (“A district court must be free to use and control pretrial procedure in furtherance of the orderly administration of justice.”); *see also CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (district courts possess

“inherent power to control the disposition of the causes on its docket in a manner which will promote economy of time and effort for itself, for counsel, and for litigants”).

5. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the scope of discovery or control its sequence. *See Britton*, 523 U.S. at 598. Although settlement negotiations do not automatically excuse a party from its discovery obligations, the parties can seek a stay prior to the cutoff date. *See Sofo v. Pan-American Life Ins. Co.*, 13 F.3d 239, 242 (7th Cir. 1994); *Wichita Falls Office Assocs. V. Banc One Corp.*, 978 F.2d 915, 918 (5th Cir. 1993) (finding that a “trial judge’s decision to curtail discovery is granted great deference,” and noting that the discovery had been pushed back a number of times because of pending settlement negotiations).

6. The Parties agree that the relief sought herein is necessary to handle the case in the most economical fashion, yet allow sufficient time to schedule and complete discovery if necessary, consistent with the scheduling obligations of counsel. The relief sought in this Motion is not being requested for delay, but so that justice may be done.

**WHEREFORE**, The Parties jointly request that discovery and all pretrial deadlines be stayed and that the initial Scheduling Conference be continued for 90 days after entry of the [Proposed] Order to allow the Parties to conduct ongoing settlement negotiations.

[Signatures on the following page]

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DATED: September 10, 2020

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

/s/ Shawtina F. Lewis

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DATED: September 10, 2020

Respectfully submitted,

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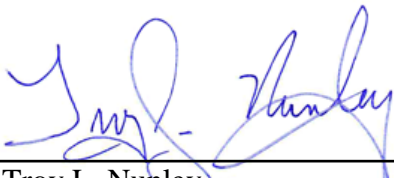
*Attorneys for Plaintiff*

**ORDER**

Upon consideration of the Parties' JOINT MOTION TO STAY DISCOVERY AND PRETRIAL DEADLINES, and for good cause appearing, IT IS HEREBY ORDERED that the Parties' Motion is GRANTED, and discovery and all pretrial deadlines are hereby stayed and extended and that the initial Scheduling Conference is continued for 90 days to allow the Parties to conduct ongoing settlement negotiations.

**IT IS SO ORDERED.**

DATED: September 10, 2020

  
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Troy L. Nunley  
United States District Judge

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ATTORNEYS AT LAW  
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